

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IN THE MATTER****OF:**

Emilio Rodríguez Méndez

**DEBTOR (S)****CASE NO:** 10-04317 SEK

Citibank NA

**CHAPTER 13****MOVANT****INDEX**

Emilio Rodríguez Méndez

Alejandro Oliveras Rivera, TRUSTEE

**RESPONDENT (S)**

**NOTICE OF MOTION FOR RELIEF FROM STAY UNDER II U.S.C. §362**

To the above named respondent (s): To Debtor Emilio Rodríguez Méndez PO BOX 8173 Carlina PR 00986 and to debtor's attorney José M. Prieto Carballo, PO BOX 363565 San Juan PR 00936-3565, and to the Trustee Alejandro Oliveras Rivera, PO BOX 9024062 San Juan PR 00902-4062.

You are hereby notified that on **OCTOBER 21, 2010** the above named movant (s) filed a Motion Seeking relief from the Automatic Stay under U.S.C. §362.

Service of the motion and notice shall be made within three (3) days after issuance of the notice. A certificate of service must be file forthwith, but not later than seven (7) days after service is done. If the certificate of service is not timely filed, the Court may deny the motion for failure to give notice within three (3) days from issuance.

You must file an answer to the motion within fourteen (14) days from the service of this notice, and serve such answer upon movant or his attorney **VANESSA M. TORRES QUIÑONES** whose address is **PO BOX 192938, SAN JUAN, PR 00919-2938**.

**IF YOU FAIL TO TIMELY ANSWER AS SET FORTH HEREIN, AN ORDER MAY BE ENTERED AGAINST YOU GRANTING THE RELIEF REQUESTED BY THE MOVANT.**

If a timely answer is filed, then, \_\_\_\_\_ at \_\_\_\_\_ a.m./p/m/ at the United States Bankruptcy Court, US Post Office and Courthouse Bldg., Recinto Sur St **COURTROOM NO 1, SECOND FLOOR**, Old San Juan Puerto Rico is fixed as the time and place for the preliminary and/or final hearing on such motion.

CELESTINO MATTÁ -MENDEZ, CLERK  
United States Bankruptcy Court

By: \_\_\_\_\_

Date of Issuance: \_\_\_\_\_

Rule 4001-1 of the Local Rules of the US Bankruptcy Court for the District of Puerto Rico establishes the following procedure for Motions Requesting Relief from Stay under 11 U.S.C. §362

1. Movant must serve both the motion for relief from stay and notice that substantially conforms to PR LBF J within three (3) days after issuance of the notice.
2. The respondent shall file an answer within fourteen (14) days after the issuance of the notice. If respondent does not file a timely answer, the Court may enter judgment for the movant and the the matter off the Court's calendar.
3. The notice must set for the specific date for the preliminary hearing on the motion for relief from stay.
4. Pursuant to §362 (e) of the Code, the hearing date specified in the notice may be a preliminary hearing or may consolidated with the final hearing, as shall be determined by the Court.
5. If movant seeks relief with respect to a stay of an act against property under 11 USC§362 (d)(1) or (d) (2) the motion must be accompanied by the following supporting documents:
  - a. True copies of all notes, bonds, mortgages, security agreements, financing agreements, assignments and any other document upon which the movant will rely the hearing.
  - b. A detailed report of any appraiser whose testimony is to be presented at the hearing. Said detail report shall include the qualifications of the appraiser, the factual basis for the appraisal, including comparable sales if utilized and the method of appraisal.
  - c. A statement of amount due including a breakdown of the following categories:
    1. Unpaid principal
    2. Accrued interest from a specific sate to a specific date
    3. Late charges from a specific date to a specific date
    4. Attorney's fees
    5. Advances for taxes, Insurance and the like
    6. Unearned interest
    7. Any other charges
    8. A per diem Interest factor
6. At least three (3) days prior to the preliminary hearing, the respondent shall file with the Court and deliver to movant or his attorney, if so represented, a detailed report of any appraiser whose testimony is to be presented at the hearing. Said detailed report shall include the qualifications of the appraiser, the factual basic for the appraisal including comparable sales if utilized and the method of appraisal. In addition, he shall also file a copy of any other document that he intends to use at the hearing
7. If the motion for relief from stay is contested, counsel for the parties must confer with respect to the Issues raised in the motion, in order to determine whether a consent order may be entered and/or to stipulate to relevant facts about the value of the property and to the extent and validity of any security agreement.

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#### CERTIFICATE OF SERVICE

I certify under penalty of perjury that I served a copy of the Motion for relief of stay and the Notice of Motion for Relief of Stay Under 11 USC Sec 362 by certified mail upon:

Emilio Rodríguez Méndez PO BOX 8173 Carlina PR 00986  
 José M. Prieto Carballo, PO BOX 363565 San Juan PR 00936-3565  
 Alejandro Oliveras Rivera, PO BOX 9024062 San Juan PR 00902-4062.

On: \_\_\_\_\_  
 Date of Service

By: CERTIFIED MAIL  
 (Describe Mode of Service)

Executed on \_\_\_\_\_

Signature \_\_\_\_\_